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June 11, 2024

VIA CM/ECF

The Honorable Richard G. Andrews
United States District Court
for the District of Delaware
844 North King Street
Wilmington, DE 19801

Re: *San Rocco Therapeutics, LLC v. bluebird bio, Inc. and Third Rock Ventures, LLC*, C.A. No. 21-1478-RGA

Dear Judge Andrews:

Plaintiff San Rocco Therapeutics, LLC (“SRT”) respectfully requests the Court reject Defendants’ improper and unilateral letter seeking leave to file an early summary judgment motion. Defendants could and should have made such a request by following the procedures outlined in the Scheduling Order, which require a party making an application to the Court to do so by written motion, including the statement required by D. Del. LR 7.1.1. (D.I. 101 ¶ 11). Such procedures are not mere formalities that a party should be permitted to unilaterally ignore. Here, Defendants’ failure to follow the proper procedure is particularly concerning given their apparent refusal to abide by the motion procedure discussed by the parties in email correspondence leading up to Defendants’ letter filing and failure to engage in a verbal meet and confer as required by the Scheduling Order and D. Del. LR 7.1.1. (See attached). While SRT does not believe early summary judgment practice is appropriate, particularly on the issue of infringement by doctrine of equivalents, if permitted, then SRT submits that both parties should be afforded an equal opportunity to present their respective summary judgment motions.

Accordingly, SRT respectfully requests that the Court reject Defendants’ unilateral letter request, require Defendants to engage in good faith conferral with SRT pursuant to D. Del. LR 7.1.1, and require the filing of motions for leave to seek early summary judgment with the opportunity for both sides to make such applications before the Court considers Defendants’ request. Alternatively, if the Court is willing to entertain Defendants’ letter request for leave to file an early motion for summary judgment, then SRT requests that the Court set a briefing schedule for SRT to respond to Defendants’ letter request, and to make its own request for leave to submit an early motion for summary judgment.

Should Your Honor have any questions or concerns regarding the foregoing, counsel for SRT is available at the Court’s convenience.

Young Conaway Stargatt & Taylor, LLP

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Respectfully,

/s/ Anne Shea Gaza

Anne Shea Gaza (No. 4093)

Attachments: Emails between E. Dittman, W. French-Brown, M. Kim, and M. Yusem

cc: All counsel of record (via CM/ECF and e-mail)